

March 28, 2025

Greetings.

I submit this testimony on HB 2467 as a private citizen who is interested in good governance and precision in the legislative process. I take no position on the merits of the bill, but write to point out a possible error in drafting.

HB 2467 would amend several statutes related to the involuntary commitment of persons with mental illness. Among other things, it would add definitions of the terms “Dangerous to others” and “Dangerous to self.” Both of those new definitions would include the phrase “likely to inflict significant physical harm”:

(b) “Dangerous to others” means likely to inflict significant physical harm upon another person within the next 30 days.

(c) “Dangerous to self” means likely to inflict significant physical harm to self within the next 30 days.”

HB 2467 (2025), section 1 (adding definitions to ORS 426.005).

The bill does not, however, define the phrase “significant physical harm.” Instead, it adds a definition of a *different* phrase, “Serious physical harm.” (Adding new definition at ORS 426.005(k).)

Then, section 2 of the bill identifies certain behaviors that a court may consider in determining whether a person is dangerous to self or to others, including threats or attempts to inflict “significant physical harm,” as well as past behaviors that resulted in “significant physical harm.” (Amending ORS 426.130.)

It is not apparent why the draft bill uses two different adjectives (“significant” and “serious”) to modify the term “physical harm” at different places in the bill. It is worth noting that:

- Current ORS 426.005 uses the phrase “serious physical harm” in defining a person who, because of a mental disorder, is unable to provide for basic personal needs. ORS 426.005(1)(f)(B). The draft bill would leave that definition in place.
- Current ORS 426.005 does not include the phrase “significant physical harm.” Neither does current ORS 426.130.

- In interpreting statutes, courts often follow the maxim that, if the legislature uses different terms in the same statute (or in related statutes), those terms should be presumed to carry different meanings.

As outlined above, HB 2467 would amend the mental-commitment statutes so that they would include two different terms: “significant physical harm” and “serious physical harm.” It is not clear whether the proponents of the bill intend those terms to carry the same or different meanings. If they are meant to have the same meaning, then it would seem better to use only one term or the other (and to define that term in ORS 426.005).

If the bill moves forward, I recommend that it be amended to clarify that point.

Respectfully,

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